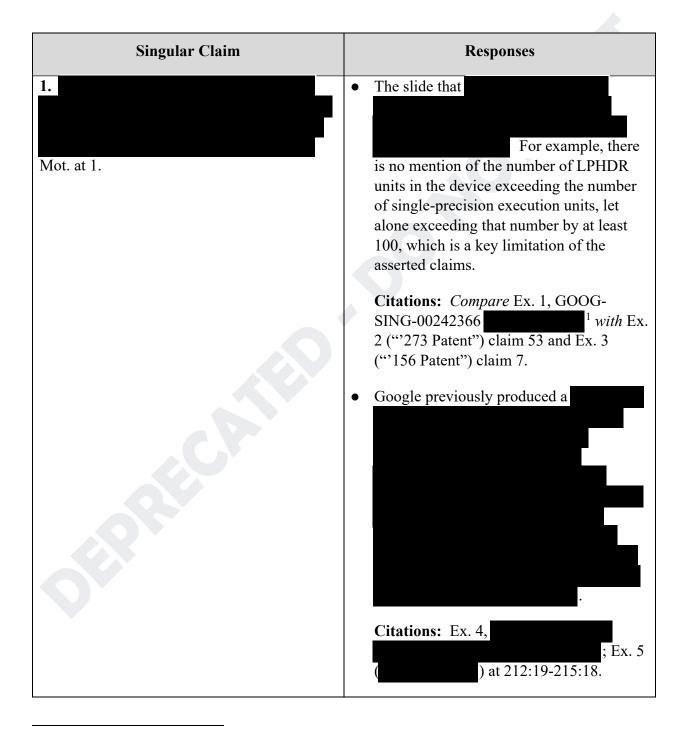
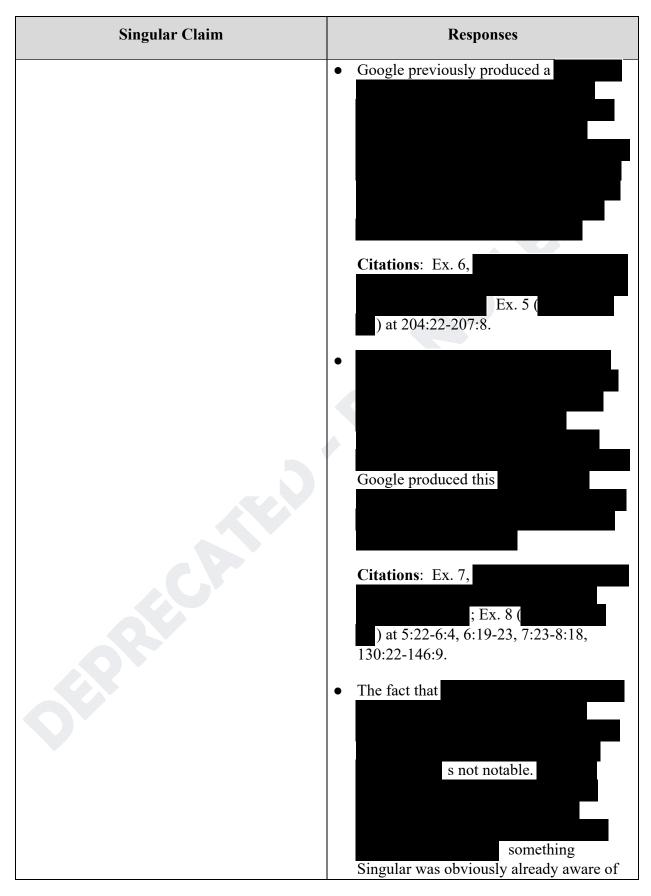
## Appendix A

## Responses to Singular's Claims Regarding Relevance of Google's Supplemental Production



<sup>&</sup>lt;sup>1</sup> All exhibits referenced in this Appendix are attached to the Appendix itself for ease of reference; the truth and accuracy of the exhibits is verified in the accompanying Declaration of Christopher Sun in support of Google's Opposition ("Sun Decl.").



and that it has already addressed in discovery.  Citations: See, e.g., Ex. 9 (GOOG-SING-00242320); Ex. 5 ( ) at 141:1-143:1.  Citation: Ex. 21 (GOOG-SING-00242356).  Citation: Ex. 10 ( ) at 11:7-15.	Citations: See, e.g., Ex. 9 (GOOG-SING-00242320); Ex. 5 (141:1-143:1.  Citation: Ex. 21 (GOOG-SING-00242356).  Citation: Ex. 10 (17-15.)  And as noted above, Google previously produced documents regarding  Citations: Ex. 11 (129:2-13 and 137:8-16; Ex. 8 (129:2-13 and 137:8-16	Singular Claim	Responses
120 22 146 2	130:22-146:9.	2. The	and that it has already addressed in discovery.  Citations: See, e.g., Ex. 9 (GOOG-SING-00242320); Ex. 5 (141:1-143:1.  Citation: Ex. 21 (GOOG-SING-00242356).  Citation: Ex. 10 (11:7-15.  And as noted above, Google previously produced documents regarding  Citations: Ex. 11 (129:2-13 and 137:8-16; Ex. 8 (1

Singular Claim	Responses
	As the Court noted—and as confirmed by the      these events occurred almost a decade ago, and the related individuals already testified about
3. The supplemental production includes an Mot. at 1-2.	This email refers to a summary of information from a  Citations: Ex. 12 (GOOG-SING-
	00242405); Ex. 13 ( ) at 80:4-13. does <i>not</i> refer to the
	Citation: Ex. 14 ( ) at 75:10-15.  • Google previously produced

Singular Claim	Responses
	Citations: Ex. 15 (GOOG-SING- 00208998), Ex. 2 to .; Ex. 13 ( ) at 29:3-33:15.
	• The does not contain a substantive discussion of . It simply reflects that
	<b>Citation</b> : Ex. 12 (GOOG-SING-00242405).
	• The also refers to
	<b>Citation</b> : Ex. 10 ( ) at 9:5; 14:21-15:15.

Singular Claim	Responses
4. The supplemental production includes	<ul> <li>This  . Those concerns have nothing to do with Singular's patent infringement claims.  Citation: Ex. 16, GOOG-SING-00242382  Citation: Ex. 17 (GOOG-SING-00242381).  Dr. Bates and Singular have known about this contact since then and could have sought further information about it during discovery.  Citations: Ex. 18 (SINGULAR-00027005); Ex. 19 (SINGULAR-00027138); Ex. 20 (SINGULAR-00027266).</li> </ul>
Mot. at 3.	This is a patent- infringement case; there are no trade- secret or copyright claims. Direct patent infringement, as Singular alleges here, turns only on whether the accused product satisfies each limitation of the claim.  Citation: American Intellectual Property Law Association Model Patent Jury

Singular Claim	Responses
	Instructions (2020) § 3 (relating to infringement), including § 3.1 ("Direct Infringement—Knowledge of the Patent and Intent to Infringe are Immaterial").
	• Moreover, as
	<b>Citation</b> : Ex. 5 ( ) at 14:13-23.
	Google previously produced
	revealed the lack of any relevance regarding these topics.
	Citations: Ex. 5 ( ) at 40:9-11; 135:24-155:1; 218:1-222:20.
6. The supplemental production includes	These emails are also not relevant. As noted above,  is irrelevant  to whether Goods in frinces Singular's
Mot. at 4.	to whether Google infringes Singular's patents. Indeed,  before any of the asserted patents issued.
	<b>Citation</b> : Ex. 2, U.S. Patent No. 8,407,273 (issued Mar. 26, 2013).
	Dr. Bates also made the information in the circulated presentation widely available.

Singular Claim	Responses
	He posted a similar presentation to his public website  Citations: See, e.g., Ex. 9 (GOOG-SING-00242320); Ex. 5 ( ) at 141:1-143:1.  • As discussed elsewhere herein, there has already been extensive discovery, including document production and deposition questioning, surrounding
7. Mot. at 5-6.	As noted above:  This  One of the  See supra pg. 3 (discussing ).  While  Google previously produced documents  . See supra pgs. 2-3.
8.	familiarity or lack of familiarity with Dr. Bates is irrelevant. There is already extensive discovery,

Singular Claim	Responses
Mot. at 6.	including document production and deposition testimony, concerning  See supra pgs. 2-3.  • That  Ex. 11 ( ) at 137:17-20.
9. Mot. at 8.	See Claim 3 above.
Mot. at 15.	See Claim 2 above.

## **CERTIFICATE OF SERVICE**

I certify that this document is being filed through the Court's electronic filing system, which serves counsel for other parties who are registered participants as identified on the Notice of Electronic Filing (NEF). Any counsel for other parties who are not registered participants are being served by first class mail on the date of electronic filing.

/s/ Nathan R. Speed

Nathan R. Speed